

Notice of Allowability

Application No.

09/921,534

Examiner

Firmin Backer

Applicant(s)

HIMMELSTEIN, RICHARD B.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 26th, 2005.
2. ☒ The allowed claim(s) is/are 1,3-17,20,22-25 and 28-54.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

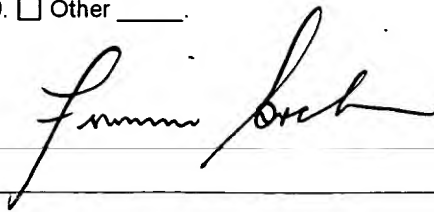
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



EA

Response to Amendment

This is in response to an amendment file on December 21st, 2004. In the amendment, claims 1, 14, 15, 17, 20, 22, 23, 31, 38, 44 and 49 have been amended, claims 2, 18, 19, 21, 26 and 27 have been canceled, and no claim has been added. Claims 1, 3-17, 20, 22-25, and 28-54 remain pending in the letter.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Himmelstein (*Inventor*) and Brandt, Jeffrey (*Attorney*) on May 27, 2005.

The application has been amended as follows:

Re claims 45-48, delete "**the system of claim**" insert "**the process of claim**"

Allowable Subject Matter

2. Claims 1, 3-17, 20, 22-25, and 28-54 are allowed.
3. The following is an examiner's statement of reasons for allowance:

a. Applicant discloses an inventive concept to provide a flexible barter system which allows ownership acquisition deferral and the matching of multi-order barter transactions. Applicant's inventive concept is novel and innovative in the sense that it provides a means for displaying a value ratio that is calculated based on the formula $(a/b)/(x/y)$ where a = the value of said first security to be sold, b = a market price of said first security to be sold, x = the value of said second security to be acquired and y = a market price of said second security to be acquired. Satow (*U.S. PG Pub No. 20030050888*), the closest prior art teaches a method for trading stocks receives a first trade order from a first non-institutional user outside of exchange trading hours and receives a second trade order from a second non-institutional user outside of exchange trading hours. It matches the first trade order with the second trade order and executes a trade in real-time between the first and second users when a match is determined between the first trade order and the second trade order. However, Satow fails to teach means for displaying a value ratio that is calculated based on the formula $(a/b)/(x/y)$ where: a = the value of said first security to be sold, b = a market price of said first security to be sold, x = the value of said second security to be acquired and y = a market price of said second security to be acquired.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

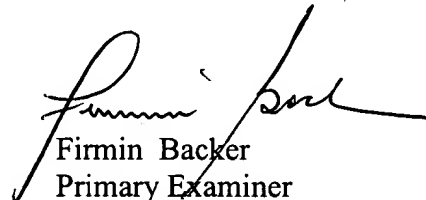
b. B.C. et al (U.S. PG Pub No. 2002/0069152) teach a system for securities trading is provided wherein players can make buy and sell decisions by clicking buttons on the screen of a computer that are associated with one of a fixed number of securities, such as stocks.

c. Kusu (EP 1282053 A1) teaches A stock selling/purchasing system comprising a financing institute that has means for storing therein the amount of own fund of the purchaser, means for storing therein the amount of accommodation of fund to the purchaser, means for calculating the interest on the accommodation, means for calculating the total market value of the stock, means for calculating the gross amount of accommodation from the amount of accommodation and the interest, means for calculating the stock maintenance ratio from the gross amount of accommodation and the total market value, means for storing therein the target stock maintenance ratio, and means for displaying information when the stock maintenance ratio exceeds the target stock maintenance ratio, a purchaser terminal and a communication network for interconnecting them. A stock selling/ purchasing method using the system is also provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Firmin Backer
Primary Examiner
Art Unit 3621

March 23, 2005